UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE at CHATTANOOGA

FRANK DEPINTO,)	
Plaintiff, v. UNIVERSITY OF TENNESSEE at CHATTANOOGA, et al.,)))))	Case No. 1:13-cv-160 Judge Mattice Magistrate Judge Carter
Defendant.)))	
	ODDED	

<u>ORDER</u>

On July 2, 2013, United States Magistrate Judge William B. Carter filed a Report and Recommendation (Doc. 4) pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). Magistrate Judge Carter recommended that Plaintiff's action be dismissed without prejudice and his motion to proceed *in forma pauperis* be denied as moot.

Plaintiff has filed no objections to the Magistrate Judge's Report and Recommendation.¹ Nevertheless, the Court has reviewed *de novo* the record in this matter, and it agrees with the Magistrate Judge's well-reasoned conclusions.

Accordingly, the Court **ACCEPTS** and **ADOPTS** Magistrate Judge Carter's findings of fact and conclusions of law. Plaintiff's action is hereby **DISMISSED**

¹ Magistrate Judge Carter specifically advised Plaintiff that he had 14 days in which to object to the Report and Recommendation and that failure to do so would waive his right to appeal. (Doc. 4); *see* Fed. R. Civ. P. 72(b)(2); *see also Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) (noting that "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings").

WITHOUT PREJUDICE and his Motion to Proceed *in forma pauperis* is hereby **DENIED AS MOOT.**

SO ORDERED this 7th day of January, 2014.

/s/ Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE